

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

943B0772

HOUSE BILL NO. 1312

Introduced by: Representatives Collier and Koetzle and Senators Reedy, Kleven, Lawler, and Paisley

1 FOR AN ACT ENTITLED, An Act to provide for an exception from the rebuttable presumption
2 of minimum wage employment in certain child support cases.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-7-6.4 be amended to read as follows:

5 25-7-6.4. Except in cases of physical or mental disability and as provided in section 2 of this
6 Act, it shall be presumed for the purposes of determination of child support that a parent is
7 capable of being employed at the minimum wage and ~~his~~ that parent's child support obligation
8 shall be computed at a rate not less than full-time employment at the state minimum wage.
9 Evidence to rebut this presumption may be presented by either parent.

10 Section 2. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 If an obligor parent is attending either a postsecondary educational institute or a vocational
13 training institute, as a full-time student, the provisions of § 25-7-6.4 do not apply, and the obligor
14 parent's child support obligation shall be based on actual earnings pursuant to § 25-7-6.3.